

THE  
ARTICLES  
OF

*Impeachment*

OF  
High Treason,

And Other

*High Crimes and Misdemeanors,*

AGAINST

*Robert Earl of Oxford*

AND

*Earl Mortimer.*

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ARTICLES

Impeachment

High Commission



176... 18004

Robert Earl of Oxford

Earl Mortimer

London: Printed, And Registered by E.  
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ARTICLES of Impeachment of High  
Treason, and other High Crimes, &c.

WHEREAS many solemn Treaties and Alliances have been formerly entered into between the Crown of *England*, and other Princes and Potentates of *Europe*, for their mutual Safety, and from the Considerations of the Common Danger which threatned all *Christendom*, from the immoderate Growth of the Power of *France*. And whereas the preventing the Monarchy of *Spain* from coming into the Hands of the House of *Bourbon*, has, for many years been a fundamental Principle and Maxim of Union among the Allies, in order to preserve a just Ballance of Power in *Europe*: And to that end, as the Designs of *France* on the Monarchy of *Spain* have from time to time appeared, new Treaties and expresse Stipulations have been enter'd into amongst the Allies, to strengthen themselves against that approaching Danger: And on this Foundation a Treaty for an intended Partition, whereby a small Part only of the Dominions of the Crown of *Spain* was allotted to the House of *Bourbon*, was condemn'd by the Wisdom of Parliament, as being highly prejudicial and fatal in its Consequences to *England*, and the Peace of *Europe*. And whereas the Duke of Anjou, Grandson to the King of *France*, on the Demise of Charles the Second King of *Spain*, took Possession of the entire Monarchy of *Spain*, whereby the Ballance of Power, the Protestant Religion, and the Liberties of *Europe* were threatned with immediate Danger. Whereupon Leopold, then Emperor of *Germany*, his late Majesty King William the Third, of Ever-Glorious Memory, and the States-General of the United Provinces, finding at that most critical Juncture, that a strict Conjunction and Alliance be-

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tween themselves was become necessary, for repelling the Greatness of the common Danger from so great an Accession of the Power to the then Common Enemy, did, in the Year of our Lord One Thousand Seven Hundred and One, make, form, and conclude a new Treaty and Alliance, whereby it was agreed, That there shall be and continue between the said Confederates, his Sacred Imperial Majesty, his Sacred Royal Majesty of Great Britain, and the Lords the States-General of the United Provinces, a constant, perpetual, and inviolable Friendship and Correspondence, and that each Party shall be obliged to promote the Advantages of the other, and prevent all Inconveniencies and Dangers that might happen to them, as far as lies in their Power: That the said Allies, desiring nothing more earnestly than the Peace and general Quiet of all Europe, have adjudg'd, that nothing can be more effectual for the Establishment thereof, than the procuring an equitable and reasonable Satisfaction to his Imperial Majesty for his Pretension to the Spanish Succession, and that the King of Great Britain and the States-General may obtain a particular and sufficient Security for their Kingdoms, Provinces, and Dominions, and for the Navigation and Commerce of their Subjects.

That the said Confederates therefore shall, in the first place, endeavour, by amicable means, to obtain the said Satisfaction; but if, contrary to their Expectation and Wishes, the same is not had, the said Confederates do engage and promise to one another, that they will assist each other with all their Forces, according to a Specification to be agreed upon in a peculiar Convention for that purpose: That the Confederates, in order to the procuring the Satisfaction and Security aforesaid, shall, amongst other things, use their utmost Endeavours to recover the Provinces of the *Spanish Low-Countries*, that they may be a Fence and Rampart, commonly called a Barrier, separating and dividing *France* from the *United Provinces*, for the Security of the *States-General*, as they have serv'd in all times, till of late that the most Christian King has seized them by  
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his Forces ; as likewise the Dutchy of Milan, with its Dependencies, as a Fief of the Empire, and contributing to the Security of his Imperial Majesty's Hereditary Dominions ; besides the Kingdoms of Naples and Sicily, and the Lands and Islands upon the Coast of Tuscany in the Mediterranean, that belonged to the Spanish Dominions, and may serve to the same purpose, and will be also of Advantage to the Navigation and Commerce of the Subjects of the King of Great-Britain, and of the United Provinces : That in case the Confederates shall be forced to enter into a War, for obtaining the Satisfaction aforesaid for his Imperial Majesty, and the Security of his Majesty of Great-Britain, and the States-General, they shall communicate their Designs to one another, as well in relation to the Actions of the War, as all other things wherein the Common Cause is concerned : That it shall not be permitted to either Party, when the War is once begun, to treat of Peace with the Enemy, unless jointly, and by a Communication of Counsels ; and no Peace shall be made, unless an equitable and reasonable Satisfaction for his Imperial Majesty, and the particular Security of the Kingdoms, Provinces, Dominions, Navigation and Commerce for his Majesty of Great Britain, and the States-General, be first obtained ; and unless care be taken, by fitting Security, that the Kingdoms of France and Spain shall never come and be united under the same Government, nor that one and the same Person shall be King of both Kingdoms ; and particularly that the French shall never get into the possession of the Spanish Indies, neither shall they be permitted to sail thither on the account of Traffick, directly or indirectly, on any pretence whatsoever : And lastly, unless full liberty be granted unto the Subjects of the King of Great Britain, and the States-General, to exercise and enjoy all the same Privileges, Rights, Immunities, and Franchises of Commerce by Sea and Land in Spain, the Mediterranean, and all Lands and Places which the King of Spain last deceased did possess at the time of his Death, as well in

Europe as elsewhere, which they used and enjoyed, or which the Subjects of both, or either of them, by any Right acquired by Treaties, Agreements, Customs, or any other way whatsoever, might have used and enjoyed before the Death of the late King of Spain : That the same time the said Agreement or Peace shall be made, the Confederates shall agree amongst themselves about all the things that they shall think necessary for the maintaining the Navigation and Commerce of the Subjects of his Majesty of Great Britain, and the States-General, in the Lands and Dominions they may acquire, and that were possessed by the late deceased King of Spain, and also in what manner the States-General may be secured by the aforesaid Fence or Barrier. And whereas his said late Majesty King William and the States-General, seriously considering, that France was then become so formidable from the Accession of Spain to the Duke of Anjou, that, in the Opinion of all the World, Europe was in danger of losing her Liberty, and undergoing the heavy Yoke of Universal Monarchy, and that the surest Means of affecting that Design, were to divide the King of Great Britain from the States-General, for which purpose all imaginable Efforts would be made; they therefore thought it necessary to unite in the strictest manner that was possible, and to that end a Defensive Treaty and Alliance was concluded and entered into between them, in or about the Month of November, 1701. wherein it was, amongst other things, agreed, *That in case the said High Allies should be jointly Engaged in War, by reason of his Defensive Alliance before-mentioned in the fifth Article, or on any other account, there shall be an Offensive, and Defensive, and perpetual Alliance between'em, against those with whom the War shall be, and all their Forces shall be employed by Sea and Land, and they shall act in conjunction or separately, as it shall be agreed between them. But since, in the Alliance with the Emperor, made in September last, particular Care was taken of the Recovery of the Spanish Low Countries, out of the Hands of the Most Christian King, the said Confederates expressly Engage to Aid one another with*  
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all their Forces for the Recovery of the same. And in regard the principal Interest of the said Confederates consists in the Preservation of the Liberties of Europe, the before-mentioned Treaty with the Emperor shall be faithfully and sincerely executed, and both Sides shall Guaranty the same, and use their Endeavours to confirm and render it more strong from time to time : That in making Peace, particular care shall be taken of the Commerce and Traffick of both Nations, as also for their Security, as well in regard to the Low Countries, as the Countries adjacent : That when the War is begun, the Confederates shall act in concert, according to the seventh and eighth Articles of the Treaty of the Third of March, in the Year of Our Lord One Thousand Six Hundred Seventy Seven-Eight, between England and Holland, which is hereby renewed and confirmed ; and no Peace, nor Truce, or Suspension of Arms, shall be negotiated or made, but according to the Ninth and Tenth Articles of that Treaty ; by which it was agreed, that when the two Allies come once to an open War, it shall be lawful for neither of them afterwards to come to any Cessation of Arms with him, who shall be declar'd and proclaim'd an Enemy, without it be done conjointly, vnd with common Consent : That no Negotiation of Peace shall be set on Foot by one of the Allies, without the concurrence of the other : That each Ally shall continually, and from time to time, impart to the other, every thing that passes in the said Negotiation, and shall stipulate with the common Enemy for the same Rights, Immunities, Exemptions, and Privileges for his Ally, as he does for himself, if so be the said Allies do not Agree to the contrary. And whereas the French King having got possession of a great part of the Spanish Dominions, exercised an absolute Authority over that Monarchy, having seized Milan and the Spanish Low-Countries by his Armies, and made himself Master of Cadiz, of the Entrance into the Mediterranean, and of the Ports of the Spanish West Indies by his Fleets, every where designing to invade the Liberties of Europe, and to obstruct the Freedom of Navigation and Commerce ; and instead of giving the Satisfaction that ought justly to be expected, had proceeded to further Violences, and had taken on him to declare the Pretended Prince of Wales, King of England, Scotland, and Ireland, and had also influenced Spain to concur in the same Affront ; her late Ma-

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*Majesty Queen Anne taking notice, that she found herself Obliged, for maintaining the publick Faith, for vindicating the Honour of the Crown, and to prevent the Mischiefs which all Europe was threatened with, to declare War against France and Spain ; did accordingly in the Month of May, One Thousand Seven Hundred and Two, in the most publick and solemn manner, declare War against France and Spain ; and in the said Declaration, placing her entire confidence in the Help of All mighty God, in so just and necessary an Undertaking, declared that she would, in conjunction with her Allies, vigorously prosecute the same both by Sea and Land, being assured of the ready concurrence of her Subjects, in a Cause they had so openly and heartily espoused.*

And his Imperial Majesty and their High Mightinesses, pursuant to the Treaties aforementioned respectively, in or about the said Month of May, One Thousand Seven Hundred and Two, did likewise declare War against France and Spain. And whereas the Kings of Portugal and Prussia, the Electors of Hanover, Saxony, Treves, Mentz, Palatine of the Rhine, the D. of Savoy, the Prince of Hesse, the Dukes of Wolfembottle, Meeklenberg, and Wirtemberg, the Circles of Suabia and Franconia, and of the Upper Rhine, the Bishops of Munster and Constance, and other Princes and Powers being invited by the said Grand Alliance, and relying on the Faith thereof, did afterwards become Parties to the said Confederate War against France and Spain ; and in the Treaty entered into in or about the Month of May, One Thousand Seven Hundred and Three, between his Imperial Majesty, the Queen of Great Britain, the States-General, and the King of Portugal, it is, amongst other things expressly stipulated, That no Peace nor Truce shall be made, but by the mutual Consent of all the Confederates; nor shall any at any time be made, whilst the second Grandson of the most Christian King by the Dauphin, or any other Prince of the Line of France continues in Spain, nor unless the Crown of Portugal shall fully possess and enjoy all the Lands, Kingdoms, Isles, Castles, Cities, Towns, &c. with their Territories

ries and Dependencies in Spain or elfewhere, which it now poffeffes. And in the Treaty of Nordlingen, ratify'd by her late Majefty, it is, amongft other things, exprefly agreed, that it fhall not be allow'd to make particular Treaties, but the Peace fhall be jointly treated of, and fhall not be concluded without obtaining, as far as is poffible, the Re-Union of the Lands belonging to the Circles, and until at leaft the Security of the affociated Circles be absolutely provided for in the beft manner that is poffible, and better than it has formerly been. And whereas to give the greateft Strength that was poffible to the Union, fo neceffary to both Nations, her late Majefty and the States, by a Treaty in the Month of June, One Thoufand Seven Hundred and Three, renewed and confirmed all Treaties and Alliances, then fubfifting between them; and therein it is, amongft other things, exprefly and particularly ftipulated, That as the faid moft Serene Queen, and the Lords the States-General, are now in War with France and Spain, and are reciprocally bound to affift each other, and mutually to defend, maintain, and preferve their Countries and Subjects in their Poffeffions, Immunities, and Liberties, as well of Navigation and Commerce, as other Rights whatfoever by Sea and Land, againft and in Oppofition to all Kings, Princes and States, and particularly againft France and Spain, to the end a juft and reasonable Peace may the better be obtained, that may eftablifh the Repofe and Tranquility of Europe, it is agreed between the moft Serene Queen of Great Britain, and the faid Lords the States-General, that neither of the faid Allies fhall make a Suspension of Arms or a Peace with France or Spain, or any other King, Prince or State, who fhall moleft or attack either of the faid Allies, but in Conjunction and by common Consent. And whereas the faid War was for feveral Years carry'd on with Vigour and Unanimity by her Majefty and her Allies, at a vaft Expence both of Blood and Treafure; for the Support of which on the part of England, many Millions have been granted by Parliament, who, on ma-

ny Occasions since, continu'd not only to express their Sense of the Justice and Necessity of the War, but did frequently give their humble Advice to the Throne, That no Peace could be Safe, Honourable, or Lasting, so long as the Kingdom of Spain and the West-Indies continu'd in the Possession of any Branch of the House of Bourbon. And whereas it pleased Almighty God to grant to the Confederate Arms under the Command of their Great and Victorious General the Duke of Marlborough, such unparallel'd Successes, as exceeded even their own Hopes and the Fears of the Enemy; and by the many signal Victories of Schellenberg, Hochstedt, Audenarde, and Ramellies, as well as by the Conquests of the Electorates of Bavaria and Cologne, and the Reduction of the Spanish Netherlands, and many other great Advantages both by Sea and Land; and by the Wisdom and Unanimity of their Counsels, the Glory of the Confederate Arms, and the Reputation of Great Britain in particular, was rais'd to an higher pitch than in any former Age.

*And whereas her late Majesty, in conjunction with her Allies, wisely foreseeing that whenever the Enemy should be brought to make Overtures of Peace, the surest way to put an end to the War, and prevent France from putting in practice her usual Intrigues, was by previously insisting on such Conditions from France, that nothing might remain to be done in a General Assembly, but to give them the Form of a Treaty; & for those Reasons a Preliminary Treaty was concluded on, and was afterwards signed by the Plenipotentiaries of his Imperial Majesty, of her late Majesty the Queen of Great Britain, and of the Lords the States-General of the United Provinces, & afterwards Ratified by their Principals; wherein the Interests of the several Allies were Adjusted, in order to a General Treaty of Peace with FRANCE: And therein the Restitution of the Spanish Monarchy to the House of AUSTRIA, being one of the chief causes for carrying on the War, is laid down as an immutable Foundation among the Allies. And whereas in the Year of our Lord One Thousand Seven Hundred and Nine, the King of France having first signify'd his consent to the Restitution of the Spanish Monarchy to the House of Austria,*

stria, sent his Ministers to the Hague to treat with the Ministers of the principal Allies on a General Peace; and in the Conferences held thereupon, the Interests of all the Allies, as adjusted in the said Preliminaries, were positively and expressly agreed to by the Ministers of France, and particularly that of the Restitution of the entire Spanish Monarchy to the House of Austria; and the said Negotiation was afterwards broke, on no other Dispute but on the Thirty Seventh Article of the Preliminary Treaty, concerning the time and manner of Evacuating Spain. And whereas the Conferences being resumed at Gertruydenberg, in the Year of Our Lord One Thousand Seven Hundred and Ten, the said Thirty Seventh Article became the only Subject of the Negotiation which was there set on Foot, for the finding out some Equivalent by which the same Security might be given to the Allies, as they had by the thirty seventh Article of the said Preliminaries; and tho' it was unquestionable, that before any Negotiation was begun, that while the Preliminaries were treating, that by those Preliminaries themselves, that before the last Negotiation was resumed, and all the while it lasted, the Restitution of Spain and the Indies was laid down as a firm and immovable Foundation of the Negotiation, and no question remain'd concerning it with the Ministers of the Allies or those of France, but touching the security for its Execution: And tho' all reasonable and prudent Overtures were made by the Allies for settling an Equivalent, yet the Conferences were broke off by France without any Satisfaction therein.

And whereas the sincere Intentions of all the Allies to have settled the Peace of Europe on solid and equitable Foundations were notorious and incontestable, and the Rupture of the said Negotiations could only be imputed to the Enemy; her Sacred Majesty, in conjunction with her Allies, renew'd their Resolutions to continue and push on the War with Vigour, and to make all possible Efforts, as the only means left to force a good and general Peace. And her Majesty in her Speech from the Throne on the 15th of Nov. 1709, taking notice of the Endeavours of the Enemy during the said Negotiations to amuse and create Jealousies among the Allies, declared her Resentment thereat,

and earnestly recommended the carrying on the War, and a vigorous Prosecution of the Advantages obtained, that she might put the last hand to that Great Work of reducing the Exorbitant and Oppressive Power which had so long threatned the Liberties of Europe : And it having pleased Almighty God, after the said Preliminary Treaty, to bleis the Confederate Army under the Command of their Consummate General the Duke of Marlborough with new and signal Conquests, the Reduction of Tournay, the Victory of Tasnieres, the taking of Mons and Doway, Bethune, St. Venant, and Aire, and the penetrating the Lines near the Scarpe. And whereas from the prosperous Condition of the Affairs of the Allies, and the Wisdom, Firmness, and Unanimity of their Counsels, nothing remained, in all humane Appearance, but that they should reap the Fruits of all their Victories, in a speedy, just, honourable, and lasting Peace; and on the other hand nothing was left to raise the Hopes of the Enemy, whereby to defeat that happy Prospect, but the Success of their secret Endeavours to disunite the Confederacy. And whereas Robert Earl of Oxford and Earl Mortimer, with other evil-minded Persons, Enemies to the true Interests of their own Country, as well as to the common Liberties and welfare of Europe, having by many wicked Arts and base Insinuations obtain'd Access to her late Majesty Queen Anne, and in or about the Months of July or Aug. 1710, being admitted into her Councils, and into Places of the highest Trust; and to make way for their wicked Enterprizes, did by their evil Counsel and Advice prevail on her Majesty to dissolve a Parliament which had given the most unquestionable Proofs of their great Wisdom, and of their true zeal for the Common Cause; for which, as well as for the many Marks of Duty and Affection given to her, her Majesty return'd her hearty Thanks, and expressed her great Satisfaction. And whereas the said Robert Earl of Oxford and Earl Mortimer, and others his Accomplices, had formed a Treacherous Correspondence with the Emissaries of France, by means where-

of certain Propositions were transmitted from France to England, sign'd by Monsieur de Torcy, Secretary of the King of France, in the Month of April, 1711, to be Basis of a Treaty of a General Peace; which Propositions, tho' her Majesty was prevail'd on by the false Counsels of the said Robert Earl of Oxford and Earl Mortimer and others, to receive as a sufficient Foundation for a Treaty of a General Peace, and as such to communicate them to the Grand Pensionary and the Ministers of Holland, her Majesty however was graciously pleas'd at the same time to declare to them her Pleasure by her Secretary of State, That being resolv'd, in making Peace as in making War, to act in perfect concert with the States. she would not lose a moment in transmitting a Paper of that Importance; and that tho' the Propositions were general, and contain'd an Air of Complaisance to her Majesty, and the contrary towards the States; yet that could have no ill Consequences, as long as her Majesty and the States understood one another, and acted with as little Reserve as became two Powers so nearly ally'd in Interest; and that the Pensionary should be assur'd, that that Rule should be inviolably kept on our part. Which gracious Declaration of her Majesty, as well as the said Propositions, being maturely consider'd by the Grand Pensionary and the Ministers of Holland, an Answer was return'd from them to her Majesty, full of Duty and Thankfulness for the obliging manner in which she was pleas'd to communicate the said Propositions, and with the utmost Assurances of mutual confidence so necessary to prevent the Designs of the Enemy; but more particularly that the States desir'd equally with Great Britain to have a general, definitive, and lasting Peace, and declar'd that they were ready to joyn in all the most proper measures to procure it; that the Propositions were yet too general, and that the States desire, as Great Britain did, that France would explain her self more particularly upon the Points therein contain'd, and impart a Plan which she thinks the most proper to secure the Interest of the Allies,

lies, and settle the Repose of Europe, after which a more particular Negotiation might be entered into. Notwithstanding all which Premises.

# ARTICLE I.

**H**E the said Robert Earl of Oxford and Earl Mortimer having no Regard to the Honour or Safety of her late Majesty or her Kingdoms, or to the many solemn Engagements she was then under to the Old and Faithful Allies of this Nation, or to the common Liberties of Europe; but being devoted to the Interest and Service of the French King, the common Enemy; and being then Lord High Treasurer of Great Britain, and one of her Majesty's most Honourable Privy-Council, contrary to his Oath, and in Violation of his Duty and Trust, and in Defiance of the Tenour of the several Treaties afore-mentioned, or some of them, as well as of the frequent Advices of Parliament, and the many Declarations of her Majesty from the Throne; but more particularly in Defiance of the solemn and mutual Assurances which had been so lately renew'd between her Majesty and the States, to act in perfect Concert with them in making Peace as in making War, did on or about the months of July or August, in the Year of our Lord One Thousand Seven Hundred and Eleven, maliciously and wickedly, form a most treacherous and pernicious Contrivance and Confederacy with other evil dispos'd Persons, then also of her Majesty's Privy-Council, to set on foot a private, separate dishonourable, and destructive Negotiation of Peace between Great Britain and France, without any Communication thereof to her Majesty's Allies, according to their several Treaties; and was not only wanting in his Duty and Trust to her Majesty, by not opposing, and as far as was in his Power by not advising her Majesty against going into any private separate Negotiation with France; but in Execution of his Purposes aforesaid, he the said Robert Earl of Oxford and Earl Mortimer, did advise her late Majesty to send Matthew Prior, Esq; directly to the Court of France

to make Propositions of Peace, without communicating the same to her Majesty's Allies. And accordingly the said Matthew Prior, by the Advice and with the Privy of him the said Earl of Oxford and Earl Mortimer, and other false and evil Counsellors, in or about the months of July or August, in the Year of our Lord One Thousand Seven Hundred and Eleven, was sent in a clandestine manner from England to France, and did communicate the said Propositions of Peace to the Ministers of France; in which the particular Interests of Great Britain; as well as the common Interest of Europe, were shamefully betray'd: And in manifestation of his said Design to exclude her Majesty's Allies from their just share in the said Negotiation, an express Article was inserted in the said Propositions, by the Privy and Advice of him the said Robert Earl of Oxford and Earl Mortimer, that the Secret should be inviolably kept till allow'd to be divulg'd by the mutual Consent of both Parties: although the French King had in the Propositions sign'd by Monsieur de Torcy, and transmitted in the month of April preceding, offer'd to treat with the Plenipotentiaries of England and Holland alone, or jointly with those of the Allies, at the Choice of England. By which treacherous and dangerous Advice, he the said Robert E. of Oxford and Earl Mortimer did not only contrive and set on foot a Negotiation of Peace more advantageous to France than even France itself had ask'd; but thereby did put it into the Power of the common Enemy to create incurable Jealousies and Discords between her Majesty and her Faithful Allies, and to destroy that Confidence which had so long and so successfully been cultivated between them, and which was so necessary for their common Safety.

#### ARTICLE II.

That the French King laying hold of the said treacherous Overture, set on foot in manner aforesaid, did in or about the Months of August or September, in the Year of our Lord One Thousand Seven Hundred and Eleven, send over Monsieur Mesnager into England  
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to carry on a clandestine and separate Negotiation of Peace; which being made known to him the said Robert Earl of Oxford and Earl Mortimer, he did afterwards in the said Month of September, 1711. secretly and unlawfully, without any Colour of Authority, meet, confer, and treat with the said *Sieur Mesnager* on the Negotiations of a Peace between Great Britain and France; and therein he did advise and promote the making a private and separate Treaty or Agreement between the said Crowns: Which said Treaty or Agreement was afterwards, with the Privity, Consent, and Advice of him the said Robert E. of Oxford and Earl Mortimer, agreed, concluded on, and sign'd by the said *Sieur Mesnager* on the part of France, and by the Earl of Dartmouth and Henry St. John, Esq; two of her Majesty's principal Secretaries of State, in behalf of her late Majesty, by Virtue only of her Majesty's Sign Manual under the Signet, and without the least Knowledge or Participation of the Allies.

In which Treaty the immediate Interests even of Great Britain are given up to France, and the Duke of Anjou is admitted to be King of Spain; an express Stipulation being therein made with the *Sieur Mesnager* in the Name, and (as is therein alledg'd) pursuant to Powers from King Philip as King of Spain. Whereby he the said Robert Earl of Oxford and Earl Mortimer did not only assume to himself Regal Power, in taking upon him to meet and treat with the Enemy without any Authority or Powers from her Majesty; but did what in him lay to subvert the Antient and establish'd Constitution of the Government of these Kingdoms, by introducing Illegal and Dangerous Methods of transacting the most important Affairs of the State and by which private and separate Treaty, he the said Robert Earl of Oxford and Earl Mortimer did what in him lay to dissolve and cancel the many solemn Treaties her Majesty then stood engag'd in to her good and antient Allies, and whereby her Majesty, even before any thing was finally settled for the Safety or Advantage of her Kingdoms, was brought to this fatal Dilemma;

lemma ; Either to submit to the Dictates of France in the Progress of the said Negotiation ; or, so notorious a Breach of National Faith being divulg'd by the Enemy, from thence to lose all future Confidence of her good Allies.

### ARTICLE III.

*That the said Robert Earl of Oxford and Earl Mortimer, the better to disguise and carry on the aforesaid private, separate, and dangerous Negotiation, did, together with other evil-dispos'd Persons, then in high Trust under her Majesty, contrive and advise the preparing and forming a Set of General Preliminaries, intituled, Preliminary Articles on the part of France, to come to a General Peace; and that the same should be Sign'd by the said Sieur Mesnager only, he the said Robert E. of Oxford and Earl Mortimer did, contrary to his Duty and Trust, impiously advise her sacred Majesty that the same should be, and accordingly they were received by her Majesty, and communicated to the Ministers of the Allies then residing in England, as the Ground of a General Negotiation of Peace; and as if the same were the only Transactions that had been on this Subject between Great Britain and France. And to this end, the private Treaty, sign'd as aforesaid by the Earl of Dartmouth and Mr. St. John, on the part of England, and by the said Sieur Mesnager on the part of France, was by the Evil Advice and contrivance of him the said Robert Earl of Oxford and Earl Mortimer, and others, wilfully and industriously concealed, not only from all the Allies, but even from her Majesty's Council and her Parliament. And he did further advise her Majesty, not only to accept the said General Preliminaries, but in her Name, and by her Authority to communicate the same to the States-General, as a sufficient Foundation whereon to open the Conferences of Peace with France. And, the more effectually to cover from the States-General the pernicious Steps which his evil Influence had engag'd her Majesty in with the common Enemy; certain Instructions were prepar'd, and by his Counsel and Advice were Sign'd by her Majesty, and deliver'd to the Earl of Strafford, her Ambassador to the States-General; wherein the said E. of Strafford is directed to represent to the Pensionary of Holland, and such others as shall be appointed to confer with him, That when her Majesty*

sty hadreceived in May last, by his Excellency's Dispatches, an account of the Sense which those among them, who were at that time in the Secret, had of the Overtures made by France for setting a General Negotiation of Peace again on Foot, and of the Answer, which it was desir'd might be return'd to the Propositions sign'd by Monsieur de Torcy; her Majesty did immediately acquaint the Enemy, that their Offers were thought by her and by the States-General neither particular nor full enough: And therefore that her Majesty did insist, that they should form a distinct Project of such a Peace as they were willing to conclude. Whereas no such Instances had been made to the Enemy on her Majesty's behalf; but on the contrary, notwithstanding her Majesty had declared, that the Propositions of Monsieur de Torcy were thought by her and the States-General neither particular nor full enough; yet without any further Explication from the Enemy, her Majesty was prevailed on, in manner aforesaid, to send over Propositions to France as general and insnaring, and in all respects as destructive to the Interests of Great Britain and her Allies, as the Propositions of Monsieur de Torcy. And the said General Preliminaries, communicated to the States in manner aforesaid, were calculated only to amuse and deceive them into a General Negotiation with France. And in the Particulars above-said, as well as in the several others, the said Instructions contained matters either false or grossly prevaricating and evasive. By which most wicked Counsels of him the said Robert Earl of Oxford and Earl Mortimer, that unquestionable Truth and Sacredness, which by the Laws of Nations ought to accompany and constitute the Instructions of publick Ambassadors to Princes in Friendship and Confederacy against the Common Enemy, was most vilely prostituted to the most dangerous Purposes, to deceive and mislead her Majesty's good Allies in matters of the greatest Importance to their own Interests, and the Interests of these Kingdoms; the Honour of Her Majesty's Sacred Person, and of the Imperial Crown of these Realms, which had been raised to the highest Pitch of Glory abroad, and had been justly held in Veneration with her good Allies, was scandalously debased and betrayed; and the Royal Hand, by the wicked Arts of him the said Robert Earl of Oxford and Earl Mortimer, was made the Instrument to advance the Interest of the Common Enemy.

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## ARTICLE IV.

That whereas the Earl of Strafford, pursuant to his said Instructions, had communicated the Preliminaries signed by Monsieur Mesnager only to the States-General, who being justly alarmed at the pressing Instances made on the part of her Majesty, that Conferences should be opened on Propositions as general and uncertain as those so lately offered by France, and signed by Monsieur de Torcy; and their High Mightinesses having been unsuccessful in their Remonstrances to the Earl of Strafford against opening the Conferences upon the said Propositions, did send over Monsieur Buys their Ambassador, to represent to her Majesty, as well the Hazard of meeting the Ministers of France before the essential Articles were first settled by special Preliminaries, or at least explained by France, and made Specifick; as likewise the Advantages to the Enemy, who being but one Body, were influenced by one Council, and directed by one Power, whereas the Confederates consisted of several powers, whose Interests are not only distinct, but in many Cases contrary to each other, whereby the French would have a fair Opportunity to divide the Allies, when it would be impossible for them to break in upon France and further to represent, that the propositions themselves were in some Instances very prejudicial, particularly in the Articles of Commerce, Dunkirk, and the Union of the Crowns of France and Spain. All which Representations of the said Monsieur Buys, by the evil Influence of him the said Robert E. of Oxford and Earl Mortimer, and others, were rendered ineffectual; but in order to prevail upon the States-General to open the CONFERENCES upon the said General Preliminaries, by the Management and Contrivance of him the said Robert Earl of Oxford and E. Mortimer, and others, an Occasion was taken to declare to M. Buys, at a Committee of Council in her Majesty's Name, her constant Affection and good Disposition to their State, and to the promoting their Interest, and to treat with their High Mightinesses with a perfect con-

fidence and Harmony : And at the same time he the said Robert Earl of Oxford and Earl Mortimer, did then falsely and maliciously declare, or was privy to advising and consenting, that it should be, and so it was declared, in her Majesty's Name, that she had made no separate Treaty with France, nor would ever make any before she had fully complied with all Engagements to her Allies, and that each of them should have Opportunity to make good their Pretensions.

By which false, scandalous, and dishonourable Assurances, he the said Robert Earl of Oxford and E. Mortimer did not only highly dishonour her Majesty, by whose Privy the said separate-Treaty with France had been before that Time concluded and signed ; but their High-Mightinesses, the Good Friends and Ancient Allies of her Majesty, were grossly abused, and thereby induced to enter into a Negotiation with France, so dangerous in it self, and so fatal in its Consequence.

#### ARTICLE V.

That her Sacred Majesty Queen Anne having in due Form of Law, and under her Great Seal, constituted the Right Reverend John Lord Bishop of Bristol, and the Earl of Strafford, her Plenipotentiaries, with full Power to meet, treat, and conclude with the Plenipotentiaries of the Confederates, and those whom the French King shall on his part depute for that purpose, the Conditions of a good and general Peace, that shall be safe, honourable, and, as far as is possible, agreeable to the reasonable Demands of all Parties; he the said Robert Earl of Oxford and Earl Mortimer not contenting himself to abuse the Royal Authority, to the Delusion of the States-General, the nearest Allies of the Queen, but intending the Universal prejudice of his Imperial Majesty, and all the Allies of these Kingdoms, and thereby the more successfully to carry on the Measures of France, wherein he was then engaged, contrived and prepared Instructions, or was privy to, consenting and advising the same, for her Majesty's said Plenipotentiaries, which she was prevailed

vailed upon by the said Robert Earl of Oxford and Earl Mortimer's evil Counsel to sign, and the same were delivered to the said Plenipotentiaries; wherein among other things they are instructed to the Effect following, viz. If it shall be thought proper to begin by the Disposition of the Spanish Monarchy, you are to insist, that the Security and reasonable Satisfaction which the Allies expect, and which his most Christian Majesty has promised, cannot be obtained, if Spain and the West-Indies be allotted to any Branch of the House of Bourbon: Whereas the said Robert Earl of Oxford and Earl Mortimer had at that time privately and treacherously negotiated and agreed with the Ministers of France, That Spain and the West-Indies should remain in a Branch of the House of Bourbon, and had prevailed on her Sacred Majesty to be Party to the said private Treaty, wherein the same is necessarily implied. And the said Plenipotentiaries are further instructed, in case the Enemy should object, as the Imperial Ministers had done, that the second Article of the Seven, sign'd by the Sieur Mesnager implies, that the Duke of Anjou shall continue on the Throne of Spain; you are to insist, that those Articles, as far as they extend, are indeed binding to France, but that they lay neither us nor our Allies under any positive Obligation: whereby the said Robert Earl of Oxford and Earl Mortimer basely entred into a Confederacy and Conclusion even with the Ministers of the Enemy, and prevailed on her Majesty to give her Royal Consent thereto, the more effectually to impose on his Imperial Majesty and all the Allies, and to conceal the said secret Negotiations, and the separate Treaty that had been agreed on between Great Britain and France. And the said Robert Earl of Oxford and Earl Mortimer, not only in the Particulars before-mentioned, but in many others contained in the said Instructions, has brought a lasting Reproach on the Crown of these Realms, and grossly violated the many Treaties wherein her Sacred Majesty was then engaged to her Allies, to act in perfect Concert with them throughout the Negotiations of Peace.

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## ARTICLE VI.

That the Conferences of Peace being opened between the Plenipotentiaries of the Allies, and those of the Enemy, for the Negotiating a General Peace upon the mutual and most solemn Engagements amongst the Allies, not only to act in perfect Confidence with each other, but to promote their Common Interest, and to obtain from the Enemy all just and reasonable Satisfaction; and a Specifick Explanation of the General Preliminaries having been given in by the Enemy at Utrecht, whereon the Allies delivered their respective Demands; by the Artifices of France, and the secret Encouragement and Concurrence of the Ministers of Great Britain, the Progress of the said Publick Negotiation was delay'd and kept in suspense, under pretence of the Enemies refusing to give their Answer in Writing: during which time, he the said Robert Earl of Oxford and Earl Mortimer again assuming to himself Regal Power, in derogation of the Royal Authority, to treat of Peace with France, which was then delegated under the Great Seal of Great Britain to her Majesty's Plenipotentiaries at Utrecht, and for the promoting the Design of the Enemy, to the apparent Destruction of the Common Cause of Her Majesty and her Allies, contrary to the known Laws and Constitution of this Kingdom, in direct Violation of the several Alliances her Majesty then stood engaged in; and in Opposition to the many Assurances given by her Majesty to act in Concert with her Allies, and in Defiance of the expresse Instructions given to her said Plenipotentiaries, was not only wanting in his Duty to her Majesty, as far as in him lay to have put an end to, and prevented any further private, and unlawful Negotiations with France, but did, with others his Accomplices, advise; concur, continue, and promote a private, separate, and unjustifiable Negotiation with France, directly from England to France, without any Communication thereof to the Allies; and in such private Negotiations did concert with the Ministers of the Enemy Terms of Peace, highly prejudicial to the Interest of her Majesty and her Kingdoms, and of all her Allies, and whereby the good Effects of the said General Negotiations were entirely defeated.

## ARTICLE VII.

That her Sacred Majesty Queen Anne having been prevailed on by the false Counsels of him the said Robert

Robert Earl of Oxford and Earl Mortimer, to accept of a Treaty with France, on the Supposition that the Spanish Monarchy should continue in the Possession of a Branch of the House of Bourbon; and it being acknowledged even by the French King in the General Preliminaries, signed by Monsieur Melnager, that the Excess of Power from the Re-union of the Crowns of France and Spain, would be contrary to the Good and general Repose of Europe: He the said Robert Earl of Oxford and Earl Mortimer having nothing so much in view as the aggrandizing the common Enemy, yet always intending to cover the Iniquity of his Heart under specious Pretences and false Appearances, did wickedly and treacherously advise and carry on a private and separate Negotiation with France, on the Subject of a Renunciation of his Right to the Kingdom of France by the Duke of Anjou, and that such Renunciation should be the Security against the Re-union of the two Kingdoms. And by the Influence of his evil Counsels her Majesty was prevailed on to accept and finally to conclude and ratify a Treaty of Peace with France, wherein the said Renunciation is taken as a sufficient Expedient to prevent the Mischiefs that threatened all Europe, in case the Crowns of France and Spain should be united upon the Head of one and the same Person; altho he the said Robert Earl of Oxford and Earl Mortimer, well knew, that a Memorial had been, during the said Separate Negotiation, transmitted by Monsieur de Torcy, Secretary of State and Minister to the French King, to one of her Majesty's Principal Secretaries of State; whereby it was declared, that the said Renunciation would be null and invalid by the Fundamental Laws of France, which Laws were looked upon as the Work of him who had established all Monarchies, and which he only could abolish; and that no Renunciation therefore could destroy it; and if the King of Spain should renounce, they would deceive themselves that should receive it as a sufficient Expedient to prevent the Mischiefs proposed to be avoided. By which false and treacherous Coun-

Counfels, he the ſaid Robert Earl of Oxford and Earl Mortimer did not only betray the Interests of the Common Cause into the Hand of the moſt formidable Enemy, but wilfully and maliciously abuſed the Power and Influence which he had obtained with her Ma- jeſty, ſo far as to engage her Sacred Maſteſty, and the Honour of the Imperial Crown of theſe Kingdoms, to become Party with France in ſo fatal a deceit.

#### A R T I C L E   V I I I .

That her late Maſteſty Queen ANNE having on the Seventh Day of December, in the Year of our Lord 1711. earneſtly recommended it from the Throne, That Proviſion might be made for an early Campaign, in order to carry on the War with Vigour; and as the beſt way to render the Treaty of Peace effectual; in order to which vaſt Supplies were granted, and Ma- gazines provided at a great Expence for an early Cam- paign; and in purſuance thereof, her Maſteſty having ſent her Generals, Lumley and Cadogan, to give early Affurances to her Allies of her ſincere Intentions, and likewise expreſſly inſtructed her General, the Duke of Ormonde, not only to renew the ſame Affurance, and declare her Reſolutions of pushing on the War, with the utmoſt Vigour, but to concert with the Generals of the Allies the proper Meaſures for entering on Acti- on; and the Confederate Army, which at that time was the fineſt and ſtrongeſt that had been in the Ser- vice during the whole Courſe of the War, and provi- ded with all Neceſſaries to act with Vigour, having march'd, according to the Reſolution taken in Concert with her Maſteſty's Gen-ral, almoſt up to the Enemy, with a great Superiority both as to the Number and Goodneſs of Troops, and animated with Courage to acquit themſelves bravely; ſo that in all human Ap- pearance, and with the Divine Aſſiſtance, which had appeared ſo viſibly for them on many other Occaſions, they would have been able, either by Battle or Siege, to have gained great Advantages over the Enemy, to have bettered the Affairs of the Allies, and to have facilitated the Negotiations of Peace: And the Mini- ſters

sters of France having frequently and earnestly represented to the said Robert Earl of Oxford and Earl Mortimer, and others his Accomplices, during their secret Negotiations, their just Apprehensions from the Bravery and good Disposition of the Confederate Army; he the said Robert Earl of Oxford and Earl Mortimer being truly informed of the sure Prospect which, by the Blessing of God, the Army of the Confederates then had, of gaining new Conquests over the Army of France, and whereby they would have been enabled to have forced Terms of Peace, Safe Honourable, and Lasting : in order to disappoint those comfortable Expectations of the Allies, and to give Success to his Secret Negotiations with the Ministers of France, was privy to, consenting and advising, together with other false and evil Counsellors, and together with them did advise and consent, that an Order should be sent, in her Majesty's Name, to the D. of Ormonde in Flanders, to avoid engaging in any Siege, or hazarding a Battel, till further Orders; altho' nothing had then been settled in the said private Negotiations for the Interest and security of Great Britain, and altho' Philip King of Spain at that time had not consented to the Renunciation of his Right to the Crown of France. And not contenting himself with having obtained that fatal Step, so highly advantageous to the Cause of France, but being wickedly determined to do all that in him lay to dissolve the whole Confederacy, he the said Robert Earl of Oxford and Earl Mortimer, with others, was privy to, and did consent and advise, that Orders should be sent to the Bishop of Bristol, one of her Majesty's Plenipotentiaries then at Utrecht, to take the first solemn Opportunity to declare to the Dutch Ministers, that her Majesty look'd on her self from their Conduct to be then under no Obligation whatsoever to them : which two Declarations giving just Alarm to all the Allies, they represented to the Bishop of Bristol their general Dissatisfaction, and the unexpressible Consternation they were all in; that these Proceedings were the unavoidable Ruin of Europe : they

they urged Religion, Liberty, and the Faith of Treaties, to shew the Enormity of this Usage; and the States expressed their Uneasiness on no account so much, as that they could not come to the Knowledge of their own Lot. Which Representations the Bishop of Bristol did, at the Instance of the Allies, signify to one of her Majesty's principal Secretaries of State; but their High Mightinesses finding that all Applications to the Ministers of Great Britain, and in particular to the said Robert Earl of Oxford and Earl Mortimer, were of no Avail against France, and for the Interest of the Common Cause, thought it necessary, in a manner the most moving and respectful, to address directly to her Majesty by a Letter of the Fifth of June, 1712; therein expressing their great Surprize and Affliction at the two Declarations afore-mentioned; and finding it difficult to conceive how such Declarations, so prejudicial to the Common Cause, given so suddenly without their Knowledge, and undoubtedly too without the Knowledge of the other Allies, could agree, and consist with the Nature of an Alliance, and with those Assurances and Engagements her Majesty had so lately made, and not knowing how to reconcile it with the great Goodness and Kindness which her Majesty had always honoured them with, and not being able to conceive how such a sudden Change could happen with respect to them, having carefully examined their own Conduct, and finding nothing therein that could have given Ground to her Majesty's Dissatisfaction; and having represented the visible and immediate fatal Consequences of the said two Orders, not only to the Common Interest of her Majesty and the States, but to the whole Confederacy, and to the Protestant Religion; they beseeched her Majesty with all the Respect, and all the Earnestness they were capable of, that she would not persist in the Declarations made by the Bishop of Bristol, and would be pleased to revoke the Orders given to the Duke of Ormonde, and would authorize him to act according to Occurrences, and as the Exigency of the War, and the

the Advancement of the Common Cause should require. Notwithstanding which, he the said Robert E. of Oxford and Earl Mortimer being acquainted with the said Representations of the States, was not only wanting in his Duty to her Majesty, and to his Oath, and the great Trust reposed in him, in not advising as he ought to have done, her Sacred Majesty to have hearkned to the said several Instances made to her; but persisting in his desperate and destructive Measures, for the Advancement of the Interest of the Common Enemy, did afterwards advise her Majesty to disregard and reject the same, and did countenance, encourage, advise, and promote the said private, separate and wicked Negotiations with France, without any Participation of the Allies, contrary to all her Majesty's Engagements, and to the apparent Ruin of the common Cause. By which several wicked and perfidious Counsels, the Progress of the Victorious Arms of the Confederates was stopped, and an Opportunity lost for conquering the Enemy, the most favourable, in the Opinion of all the General Officers and the Quarter-masters of the Allies, who were sent out to view the French Camp, and whereby all Hopes of Confidence between her Majesty and her Allies, was entirely destroyed, and the French King made absolute master of the Negotiations of Peace, and the Affairs of Europe given into his hands.

#### ARTICLE IX.

That to impose upon the Allies the fatal Necessity of Submitting to the Terms of France, and in order thereto to leave the whole Confederate Army at the mercy of the Common Enemy, he the said Robert Earl of Oxford and Earl Mortimer, was privy and consenting to a secret and separate Concert with the Ministers of France, without the knowledge of the Allies, for the separating the Troops in her Majesty's Pay from the rest of the Confederate Army: for the effecting whereof, instead of preventing as far as in him lay so fatal a Step, he was not only wanting to advise against so unwarrantable a Proceeding, but did consent

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to and advise her Majesty, that the Duke of Ormonde, and all the Troops then in her Majesty's Pay, or such of them as would obey his Orders, should separate themselves from the Army of the Confederates: and having notice that the Generals of the Auxiliaries, paid by her Majesty, whose Honour and Consciences would not permit them to abandon the Confederates, and leave them as a Sacrifice to France, but for the sake of the Common Interest of Europe, and according to the true End and Design of their Conventions, did refuse to withdraw with the Duke of Ormonde, without particular Orders from their respective Masters; he the said Robert Earl of Oxford and Earl Mortimer, being then Lord High-Treasurer of Great Britain, and one of her Majesty's most Honourable Privy Council, in violation of his Oath, and the Duty and Trust reposed in him, did take upon himself an arbitrary and illegal Power, to refuse and put a Stop to the Pay and Subsidies due on account of the said foreign Troops, altho' they were entitled thereto by the Conventions entered into with her Sacred Majesty, and by express Provision made by Act of Parliament for the payment of the same. By which fatal Separation, which pursuant to his evil Counsels was afterwards made, great Numbers of the Confederate Troops, who had before, on many occasions, signaliz'd themselves in the Defence of the Cause of Europe, soon afterwards, at the unfortunate Action of Denain, fell as Sacrifices to the Fury and Revenge of France; the Siege of Landrecy was raised, the important Towns and Fortresses of Quefnay, Bouchain, and Douay were retaken by the French Army; and not only the Fortune of the War, but the Fate of Europe decided in favour of France.

#### A R T I C L E X.

That in further execution of his pernicious Designs, to compleat the Destruction of the Common Cause of Europe, and to render it impracticable for her Majesty to resume the War against France, in conjunction with her Allies, or to recover the Union with her Majesty's old and faithful Allies, so necessary to the Preservation

servation of these Kingdoms; he the said Robert Earl of Oxford and Earl Mortimer, then Lord High Treasurer of Great Britain, did carry on and concert with the Ministers of France, a private and separate Negotiation for a General Suspension by Sea and Land, between Great Britain and France; and to that end, among others, did advise her Majesty to send over Henry Viscount Bolingbroke, one of her Principal Secretaries of State, to the Court of France, with Powers to settle the said Suspension. In pursuance of which, a destructive Treaty of Suspension was made in France on the 19th of Aug. N. S. 1712, by the said Henry Viscount Bolingbroke, on the part of her said Majesty, for four Months, without the knowledge or any participation of the Allies, and before any terms of a Peace were settled with the Enemy, either for Great Britain or the Allies. By which evil Counsels, the express Terms of several of the aforementioned Treaties were expressly contravened and broken, the good Friends and ancient Allies of her Majesty and these Kingdoms were totally deprived of the just Assistance to which they were thereby entituled, and were left exposed to the Insults of the Common Enemy; and the sacred Ties of Union and Friendship between her Majesty and her Allies being cut asunder, her Majesty's Person and Government, the Safety of her Kingdoms, and of the Protestant Succession to the Crown of these Realms, were left expos'd to the Enterprizes of the most formidable Enemy.

#### A R T I C L E XII.

That whereas the States General of the United Provinces were, in or about the Month of Sept. or Octob; in the Year of our Lord 1712, in possession of the strong and important Town and Fortrefs of Tournay. And whereas the French King had, during the Course of the said private, separate, and traitorous Negotiation between him the said Robert Earl of Oxford and Earl Mortimer, and others, and the Ministers of France signified his Consent to the Ministers of Great Britain, that the said Town and Fortrefs of Tournay should remain

remain to the said States-General as part of their Barrier : And whereas her Majesty, in her Instructions of Decemb. the 23d, 1711, to her Plenipotentiaries at Utrecht, had, expressly directed them to insist with the Plenipotentiaries of France, in the General Congress. That towards forming a sufficient Barrier for the States-General, Tournay should remain to their High-Mightinesses ; and did afterwards declare herself conformably thereunto, in her Speech to both Houses of Parliament, on the 6th of June, 1712, in which she communicated to them the Terms whereon a Peace might be made. And whereas for several Years before, and till the said Months of Sept. and Octob. in the Year of our Lord 1711, there was open War between her late Majesty and the French King ; and the said War continuing for all the said time, and afterwards, the said French King and his Subjects were Enemies to her Majesty : He the said Robert E. of Oxford and Earl Mortimer, then Lord High Treasurer of Great Britain, and a Subject of her Majesty's, not considering the Duty of his Allegiance, but having altogether withdrawn the cordial Love, and true and due Obedience, which every true and faithful Subject owed to her said Majesty, and designing to give Aid and Succour, and to adhere to the said French King, did, in or about the Months of Sept. or Octob. 1712, during the said War, falsely, maliciously, wickedly, and traitorously Aid, Help, and Assist, and adhere to the French King, then an Enemy to her late Majesty ; and in execution and performance of his said Aiding, Assisting, and Adhering, maliciously, falsely, and traitorously did Counsel and advise the said Enemy, in what manner and by what methods the said important Town and Fortress of Tournay, then in possession of the States-General, might be gained from them to the French King, contrary to the Duty of his Allegiance, and the Laws and Statutes of this Realm.

#### ARTICLE XII.

That whereas her late Majesty Queen Anne, not only in pursuance of the Treaties we stood engaged in  
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to her good Allies, and in particular to his Imperial Majesty, for the Recovery of the Monarchy of Spain to the House of Austria, thereby to preserve a due Balance of Power in Europe, but also from her just Resentment against the Duke of Anjou, who then stiled himself King of Spain, and who, in Defiance of her Majesty's Title to the Crown, had acknowledged the Pretender as King of Great Britain: and on these just Foundations her Majesty had, in vindication of the Honour of the Crown, and in Justice to her People, at a vast Expence of Blood and Treasure, and on the earnest and repeated Advices of her Parliament, prosecuted a vigorous War against the said Duke of Anjou. And whereas, in the Years of our Lord 1710, 1711, 1712, the said open, bloody, and expensive War was carried on between her said late Majesty Queen Anne, and the said Duke of Anjou, and during all the time aforesaid the said War did continue, and for all that time the said Duke of Anjou, and the Subjects of Spain adhering to him, were Enemies of her late Majesty: He the said Robert Earl of Oxford and Earl Mortimer, then Lord High Treasurer of Great Britain, and one of her Majesty's Privy-Council, and a Subject of her said Majesty, not considering the Duty of his Allegiance, but having withdrawn his true Obedience from her said late Majesty, did at several times, in the said Years of our Lord, 1710, 1711, and 1712, falsely, maliciously, wickedly and traitorously, aid, help assist, and adhere to the said Duke of Anjou, then an Enemy to her said late Majesty; and in the Execution and performance of his said aiding, helping, assisting and adhering, and in Confederacy and Combination with the then Enemies of her late Majesty, and with divers other wicked and evil disposed Persons, did, at several times, in the Years aforesaid, advise and counsel the Enemies of her late Majesty; and in such counselling and advising, did concert with them, and did promote the yielding and giving up Spain and the West-Indies, or some part thereof, to the said Duke of Anjou, then in enmity with her Majesty, against the

the Duty of his Allegiance, and the Laws and Statutes of this Realm.

### ARTICLE XIII.

That whereas the Riches, Power and Strength of these Kingdoms depend entirely on the flourishing condition of Trade and Navigation, and her late Majesty Queen Anne having due regard thereto, as well as to the just Expectations of her People, after the vast Expences they had so cheerfully undergone in support of the War, did, on the first opening the Conferences for a General Peace, declare from the Throne to both Houses of Parliament, on the Seventh of December, One Thousand Seven Hundred and Eleven, That she would endeavour that after a War, which had cost so much Blood and Treasure, the Nation might find their Interest in Trade, and Commerce improved and enlarged by a Peace. And on the Sixth of June, One Thousand Seven Hundred and Twelve, when she was pleased to communicate the Terms on which a General Peace might be made, did declare, that nothing had moved her Majesty from steddily pursuing the true Interest of her own Kingdoms, and that the Terms of Peace, obtained for her own Subjects were such, as she had reason to expect would make her People some amends for the great and unequal Burden, which they had lain under thro' the whole course of the War; and hoped, that none of the Confederates would Envy her Share in the Glory and Advantage; and afterwards declared to both Houses of Parliament her Satisfaction in the new View she had of Peace, since it would in some measure recompense her Subjects for their vast Expence: and after the Conclusion of the Treaty of Peace and Commerce with France, did declare from the Throne on the Ninth of April, One Thousand Seven Hundred and Thirteen, that the many Advantages she had obtained for her Subjects, had occasioned much Opposition and long Delays to the Peace; but it afforded Her great Satisfaction, that her People will have it in their Power, by degrees, to repair what they had suffered during so long and burdensome a War. Whereon both Houses of Parliament did from time to time express their grateful Acknowledgments to her Majesty, for her great Care and Concern for the Welfare of her People. And whereas at the setting on foot, and in the progress of the said private, separate, and pernicious

ous Negotiations between the Ministers of Great Britain and France, it was laid down as a Principle, on the part of Great Britain, never to be departed from, That France should consent to adjust the Interests of Great Britain, in the first place, that the Ministers of Great Britain might thereby be enabled to engage the Queen to make the Conclusion of the General Peace easy to France; and on this plausible Pretence it was insisted on by the Ministers of Great Britain, to remit the Discussion of the particular Interests of the Allies to General Conferences; and throughout the whole Course of the said separate Negotiation, all imaginable Concessions were not only made by the Ministers of Great Britain for the real Advantage of the Interests of France against the Allies, but all Measures were entered into and concerted between them, that even the Ministers of France could dictate, in order to strengthen their hands, and to enable them to impose the Terms of a General Peace: He the said Robert Earl of Oxford and Earl Mortimer, having nothing in view, thro' the whole Course of the said Negotiation, wherein he was wickedly and principally engaged, in concert with France; but the final Destruction of his Country, and to that end, the sacrificing the Commerce of Great Britain, to the Aggrandisement of France, was not only wanting in his Duty to Her Majesty, in not insisting on in all Events, and not procuring, in the first place, the most certain and strict Securities imaginable, for the Safety and Advantage of the Commerce of these Kingdoms; but did advise her late Majesty, that in the Proposition sent, by his Privy and Advice, by Mr. Prior to France, and also in the said private and separate Treaty, Signed on the said Seven and Twentieth of September, One Thousand Seven Hundred and Eleven, wherein the Preliminary Demands for Great Britain more particularly were intended to be adjusted with France, the Demands for Great Britain, in point of Commerce, should not only be made in loose, general, and insufficient Terms, but that the liberty of Fishing, and drying of Fish on Newfoundland, should be expressly given up to France, tho' the Restitution of that small part of the Island, which France had taken during the War, was therein Referred to be Discussed to General Conferences. And having by his wicked Artifices, Engaged her Majesty in the said private Treaty with France,

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without any Security for the Commerce of Great Britain; he did artfully and cunningly contrive with the Ministers of France, to keep in suspense all matters that concern'd the Commerce of Great Britain, until by means of his Wicked and pernicious Counsels aforementioned, France was become Master of the Negotiations, and the chief Advantages for the Commerce of Great Britain by that means remaining unsettled: And the Ministers of France afterwards Dissolving the most essential Articles which had been in agitation, and in particular that fundamental Principle of Treating and being Treated as *Gens Amicissima*, and endeavouring to elude what had been agreed on in the said private and separate Negotiation, for the supposed advantage of Great Britain; he the said Robert Earl of Oxford and Earl Mortimer, under pretence of removing a Difficulty, then depending, by an Expedient, advantageous to Great Britain, did treacherously advise the Ninth Article of the Treaty of Commerce with France, a Bill for the rendring whereof effectuai, was afterwards Rejected by the House of Commons, as highly prejudicial and destructive to the Commerce of these Kingdoms: But yet for sake of gaining that destructive Article for Great Britain, as if the same had been advantageous, he the said Robert E. of Oxford and E. Mortimer, in defiance of the expresse provision of an Act of Parliament, as well as in contempt of the frequent and earnest Representations of the Merchants of Great Britain, and of the Commissioners for Trade and Plantations, did advise Her Majesty finally to agree with France, That the Subjects of France should have liberty of Fishing and drying Fish on Newfoundland; and did also advise her Majesty to make a Cession to France of the Isle of Cape Breton, with liberty to fortify the same, altho' the Isle of Cape Breton was part of the Antient Territories of the Crown of Great Britain; and her Majesty had declared from the Throne, that France had consented to make an absolute Cession of Nova Scotia or Acadia, whereof Cape Breton is part, to her Majesty. And the said Robert E. of Oxford and E. Mortimer, intending in all Events to secure to France the advantages relating to the Fishery of Newfoundland and to Cape Breton, did, in conjunction with the Ministers of France, advise her Majesty to consent, that the same should be made an Article in the Treaty of Peace between  
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Great Britain and France : Whereas the only Advantages in Trade, pretended to be stipulated for Great Britain, being inserted in the Treaty of Commerce; were to depend on certain Conditions, to be made good by Act of Parliament; and pursuant to, and by the influence of the said evil Counsel of him the said Robert E. of Oxford and E. Mortimer, her Sacred Majesty was advised to Ratify the said Article in the said Treaty of Peace, and the said Treaty of Commerce. By means of which pernicious Counsels, the good Intentions of her Sacred Majesty, to have obtained for her People advantageous Terms of Commerce, were entirely frustrated, the Trade and Manufactures of Great Britain, as far as in him lay, rendered precarious, and at the mercy of the Enemy, and that beneficial Branch of Trade, always esteem'd the great support of the Naval Power, and the chief Nursery of the Seamen of Great Britain, yielded up to the Subjects of France : And the only pretence for the avowed and notorious Violation of Treaties, and the carrying on the Measures of France, viz. the adjusting first the Interests of Great Britain, through the whole Course of the said private and separate Negotiations; terminated at last in the Sacrifice of the Commerce of Great Britain to France, without the least shadow of Advantage in Trade, procured for these Kingdoms.

#### ARTICLE XIV.

That he the said Robert E. of Oxford and E. Mortimer did, in concert with other evil and false Counsellors, even without any Application from his Royal Highness the Duke of Savoy, and after the French King had in the Course of the said private and separate Negotiations, consented that the Kingdom of Sicily shou'd remain to the House of Austria, form a Project and Design to dispose of the Kingdom of Sicily to the D. of Savoy from the House of Austria : And to effect that his unjust, dishonourable, and pernicious Project, he did advise her Majesty to give Instructions, among other things, to Henry Viscount Bolingbroke, then appointed her Ambassador to France, to demand in Her Majesty's Name, of the French King, the Kingdom of Sicily for his Royal Highness. And a Treaty of Peace being afterwards made between the French King, His

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Royal Highness, and the Duke of Anjou, wherein a Cession is made to his Royal Highness of the Kingdom of Sicily, without any Concurrence or Participation of his Imperial Majesty ; he the said Robert, Earl of Oxford and Earl Mortimer did basely and scandalously advise Her Sacred Majesty to consent to the same, by an Article inserted in the Treaty of Peace between her Majesty and the French King. And afterwards, by his Privy and Advice, Her Majesty was prevail'd on to assist his Royal Highness against the Emperor then in Alliance with Her Majesty, with a part of Her Royal Fleet at her own Expence, in order to put him in possession of the said Kingdom of Sicily. Whereby the greatest Injustice was done to his Imperial Majesty in direct Violation of the Grand Alliance, and contrary to her Majesty's frequent Declarations from the Throne, and her plain and full Instructions to her Plenipotentiaries at Utrecht, for obtaining his just and reasonable Satisfaction ; and whereby National Faith, and the Honour of the Crown, was vilely betray'd, and the Naval Power of these Kingdoms, and the Supplies granted by Parliament for reducing the Common Enemy, were perfidiously employ'd against the Great and Faithful Ally of this Kingdom.

#### ARTICLE XV.

That whereas the Dignity and Support of the Imperial Crown of these Realms has in all Ages greatly depended on the Wisdom and Truth of the Communications made from the Throne, especially in Parliament, as the sure and only means whereby the Kings and Queens of this Realm can receive the sincere and faithful Advice of their People in matters of the highest Importance, and which by the Fundamental Laws and Constitution of this Government ought to be inviolably observ'd as the Sacred Band of the Duty and Affection of Subjects to their Sovereign. And whereas by the most antient and known Laws of this Kingdom, it is indispensably incumbent on the Great Officers of State that surround the Throne, to maintain as far as in them lies, the Sacredness of the Royal Word on all Occasions

Occasions; it being most apparent, that the greatest Dishonour to the Throne, and the greatest Danger to these Kingdoms, must inevitably ensue, whenever that Fountain of Truth by wicked Counsels shall be in any degree corrupted, and thereby lose its just Influence and necessary Authority. And whereas the Power of making Peace and War, one of the antient, undoubted, and most important Prerogatives of the Crown, has been always exercis'd by the Sovereigns of these Realms, with the strictest Regard to the Honour of the Crown and the Welfare of the People, and for that end they have in their great Wisdom in all Ages taken the Advice of Parliament on such weighty Occasions. And whereas her late Majesty Q. Anne declared from the Throne her gracious Intentions to communicate the Terms of Peace to her Parliament, for their deliberate and serious Advice therein, wisely foreseeing that the Safety of her Person and Government, of the Protestant Succession to the Crown, which she had nearest her Heart, and of the Protestant Religion, and of the Liberties of Europe, did inevitably depend on the happy Conclusion of the said Negotiations: He the said Robert Earl of Oxford and Earl Mortimer, then Lord High Treasurer of Great Britain, having taken on himself throughout the said Negotiations a most Arbitrary and Unwarrantable Authority, and the chief Direction and Influence in her Majesty's Councils; and most wickedly designing to prostitute the Honour of the Crown, and the Dignity of Parliaments, and not only totally to deprive her Majesty of the wholesom and necessary Advice of her Parliament in so great a Conjunction, but by misrepresenting the most essential Parts of the Negotiations of Peace, to obtain the Sanction of Parliament to his *traitorous proceedings*, and thereby fatally to deceive her Majesty, her Allies, her Parliament, and her People; he the said Robert E. of Oxford and E. Mortimer was not only wanting in the Discharge of that Duty to his Sovereign which became his high Station, by not advising against, and as far as in him lay, in all Events, by not prevent-

preventing even any Intimation from the Throne to the Parliament, which was not conformable to the exactest Truth and Impartiality; but taking Advantage of his ready Access to her Majesty, and his exorbitant Influence in her Councils, did prepare, form and concert, together with other false and evil Counsellors, several Speeches and Declarations to be made by her Majesty from the Throne to her Parliament, on the Subject of the said Negotiations of Peace, & did advise her Majesty to make the same to her Parliament. And particularly, by means of his false and evil Counsellors, her Majesty did, amongst other things, on the 7th of Decemb. 1711, declare from the Throne in the words, or to the effect following: That notwithstanding the Arts of those who delight in War, both Place and Time are appointed for opening the Treaty of a General Peace. Our Allies, especially the States-General, whose Interest I look upon as inseparable from my own, have by their ready Concurrence express'd their Confidence in me. Whereas it was then notorious to all Europe, and the said Robert Earl of Oxford and Earl Mortimer, and others his Accomplices, well knew, that the principal Allies of her Majesty, and particularly the States-General, then had in the strongest and most pressing manner represented not only to her Majesty's Ministers in Holland, but afterwards by a Minister of their own, directly to her Majesty, the insecurity and Danger to the Common Cause, by entering into General Negotiations with France on the Propositions sign'd by M. Mesnager; and also their firm Opinion of the fatal Consequences that might ensue thereon: And altho' they had still great Apprehensions concerning the Method of opening the Conferences, and the Consequences that might happen thereupon; yet being wrought on by the Menaces and other extraordinary methods used with them by her Majesty's Ministers, and relying on the solemn Assurances and Declarations of her Majesty to support the Interest and Concern of their State, and to act in perfect Confidence and Harmony with them; they

they did at last, with the greatest Reluctance, consent to enter upon a General Negotiation of Peace with France. And in the same Speech her Majesty was prevail'd on by the evil Counsels of him the said Robt. Earl of Oxford and E. Mortimer, and others, to declare in the words, or to the effect following : That the Princes and States which have been engag'd with us in this War, being by Treaties entitled to have their several Interests secur'd at a Peace ; I will not only do my utmost to procure every one of them all reasonable Satisfaction, but I shall also unite with them in the strictest Engagements for continuing the Alliance in order to render the General Peace secure and lasting.

And in her message of the 17th of January following, her *Majesty* again expresses the Care she intended to take of all her Allies, and the strict Union in which she proposed to join with them. Whereas by the evil Influence of him the said Robert E. of Oxford and E. Mortimer, her *Majesty* was not only induced to enter into a private Negotiation with France, exclusive of her Allies, but the same was in like manner carried on by him the said Robert E. of Oxford, and others. And, the several Interests, which the Allies were intitled to by their Treaties, were not only not secured to 'em by the Peace, nor any reasonable Satisfaction given to them ; but the main Interests of their principal Allies especially of his Imperial *Majesty*, were by the wicked practices of him the said Robert E. of Oxford, and others, given up to France ; and no Engagements were obtained for continuing the Alliance, in order to render the general Peace secure and lasting.

And her majesty having on many former Occasions express'd her Resolutions never to make Peace with Fr. and Spain, so long as Spain and the West-Indies remained in the House of Bourbon ; she was prevail'd upon by the advise of him the said Robert E. of Oxford and E. Mortimer, and others, to declare her self, in answer to an Address of the House of Peers, 11th of Decemb. 1711, to the effect following ; viz. I should be sorry a  
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ny one could think I would not do my utmost to recover Spain and the Indies from the House of Bourbon. Whereas it is most manifest, that he leaving the Kingdom of Spain and the Indies in the House of Bourbon was the Foundation of the private and separate Treary between Great Britain and France, which had been before that time signed even with her majesty's Consent; and the same Fundamental Resolution was immutably observ'd between them to the Conclusion of the Peace.

And her Majesty having frequently declared from the Throne; that her Resolutions in entering into the said Negotiations were to obtain a general, good, and lasting Peace; and the Plenipotentiaries at Utrecht being instructed to treat with France conformably to that end, he the said Robert E. of Oxford and E. Mortimer, in order to remove the just Suspicions which had been conceived of his private and separate Negotiations with Fr. did advise her Majesty to make this further Declaration in her said Message of the Seventeenth Day of January, That the World will now see how groundless those Reports are which have been spread abroad by Men of evil Intentions to serve the worst Designs; as if a separate Peace had been treated, for which there has not been the least Colour given: whereas a private and separate Negotiation had been carried on for Five months together between Great Britain and France; and during that time private Propositions had been sent from England, and a private Treaty with a minister of France signed, even by her Majesty's Privity, exclusive of all the Allies, before the said Declaration made by her Majesty. And private and separate measures were thenceforth carried on by the said Robert Earl of Oxford and Earl Mortimer, and his Accomplices, on behalf of her Majesty, with the Ministers of France, even to the Conclusion of the Peace with France. Her Majesty was further prevailed on by the wicked Advice of him the said Robert Earl of Oxford and Earl Mortimer, in her Speech of June the Sixth, 1712, to declare, That to prevent the Union of the Two Crowns, she would not be

be content with what was Speculative, but insisted upon something Solid: And in the same Speech to the Effect following, videlicet, The Nature of the Proposal for a Renunciation is such, that it executes itself, and France and Spain are thereby more effectually divided than ever: Whereas the ministers of Fr. had before that time assured the ministers of her Majesty, That to accept of the Expedient proposed on her Majesty's Behalf, would be to build on a sandy Foundation; and that the Renunciation would be null and void by the Fundamental Laws of France; and that they would deceive themselves, who accepted it as an Expedient to prevent the Union of the Two Crowns. And not only in the Particulars before-mentioned, but in many others contained in the said several Speeches and Messages made and sent to her Parliament, even while the said Negotiations of Peace with France were depending, the most essential Points relating to Peace and Commerce, and which concerned the Interest as well of the Allies as of Great Britain, were grossly misrepresented. By all which wicked, treacherous, and unexampled evil Counsels, he the said Robert, Earl of Oxford and Earl Mortimer, did most basely, ungratefully, and scandalously abuse the Favour of his Royal Mistress, and by means of her Authority did mislead her Parliament into groundless and fatal Resolutions; and thereby not only prevented the just Advise of the Parliament to her Majesty in that critical Juncture, but obtained the Approbation of Parliament to his mysterious and dangerous Practices; and did not only deprive her Majesty of the Confidence and Affection of her Allies, but exposed her Majesty and her People to the Contempt of the Common Enemy.

#### ARTICLE XVI.

*That whereas the said Robert E. of Oxford and E. Mortimer having on all occasions used his utmost Endeavours to subvert the antient Established Constitution of Parliaments, the great and only Security of the Prerogative of the Crown, and of the Rights, Liberties, and Properties of the People, and*  
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being most wickedly determin'd at one fatal Blow, as far as in him lay, to destroy the Freedom and Independency of the House of Lords, the great Ornament and nearest Support of the Imperial Crown of these Realms, and falsely intending to disguise his mischievous Purposes, under a pretended Zeal for the Prerogative of the Crown, he the said Robert E. of Oxford and E. Mortimer, on or about the Months of December or January, 1711, while the House of Lords were under an Adjournment, and had Reason to expect that on their next Meeting Matters of the Highest Importance would be Communicated to 'em from the Throne, they having some few Days before given their humble Opinion and Advice to her Majesty, That no Peace could be Safe or Honourable to Great Britain, or Europe, if Spain and the West Indies were to be allotted to any Branch of the House of Bourbon; and being then Lord High-Treasurer of Great Britain, and one of Her Majesty's Privy-Council, and assuming to himself an Arbitrary Direction and Controul in her Majesty's Councils, contrary to his Duty and his Oath, and in Violation of the great Trust reposed in him, and with an immediate Purpose to render ineffectual the many earnest Representations of her Majesty's Allies against the said Negotiations of peace, as well as to prevent the good Effects of the said Advice of the House of Lords; and in order to obtain such further Resolutions of that House of parliament on the important Subject of the Negotiations of peace, as might shelter and promote his Secret and unwarrantable proceedings, together with other false and evil Counsellors, did advise her Majesty to make and create Twelve peers of this Realm, and Lords of parliament; and pursuant to his destructive Counsels Letters patents did forthwith pass, and Writs issued, whereby Twelve peers were made and created: And did likewise advise her Majesty immediately to call and summon them to parliament; which being done accordingly, they took their Seats in the House of Lords on or about the Second of January, 1711. to which Day the House then stood Adjourn'd. Whereby the said Robert E. of Oxford and E. Mortimer did most highly abuse the Influence he then had with her Majesty, and prevailed on her to exercise in the most unprecedented and dangerous manner that valuable and undoubted prerogative, which the Wisdom of the Laws and Constitution of this Kingdom hath entrusted

trusted with the Crown for the Rewarding signal Virtue and  
 distinguished Merit. By which desperate Advice he did not  
 ly as far as in him lay, deprive her Majesty of the Continu-  
 ance of those seasonable and wholesome Councils in that Critical  
 juncture, but wickedly perverted the true and only End of  
 that great and useful prerogative, to the Dishonour of the  
 Crown, and the irreparable mischief to the Constitution of Par-  
 liaments. All which Crimes and Misdemeanors, committed and  
 done by him the said Earl against our late Sovereign Lady the  
 Queen, her Crown and Dignity, the Peace and Interest of this  
 Kingdom, and in Breach of the several Trusts reposed in him  
 the said E. and he the said E. of Oxford and E. Mortimer was  
 Lord High Treasurer of Great Britain, and one of her Majesty's  
 Privy Council during the time that all and every the Crimes  
 foreset forth were done and committed. For which matters  
 and Things, the Kts. Citizens, Burgesses of the House of  
 Commons in Parliament assembled, do, in the Name of them-  
 selves, and of all the Commons of Great Britain, impeach the  
 said Robert E. of Oxford and E. Mortimer of High Treason, and  
 other High Crimes and Misdemeanors in the said Articles con-  
 tain'd. And the said Commons by Protestation saving to them-  
 selves the Liberty of exhibiting at any time hereafter any other  
 accusations or Impeachments against the said E. and also re-  
 lying to the Answers which the said Robert E. of Oxford and E.  
 Mortimer shall make to the Premises, or any of them, or to any  
 Impeachment or Accusation that shall be by them exhibited,  
 according to the Course and Proceedings of Parliament, do pray  
 that the said Robert E. of Oxford and E. Mortimer be put to  
 answer all and every the Premises; and that such Proceedings,  
 Examinations, Tryals and Judgments may be upon them, and  
 every of them had and used, as shall be agreeable to Law and Ju-  
 stice. And they do further pray and demand, That the said Ro-  
 bert E. of Oxford and E. Mortimer may be sequestred from Par-  
 liament, and forthwith committed to safe Custody.

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*St James College*  
*London*

